Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

5 May 2004

Original: English

Third session
New York, 26 April-7 May 2004

Draft final report

Contents

		Paragraphs	*Page*
I.	Terms of reference and organization of work	1–18	2
II.	Substantive work of the Committee	19–25	6
III.	Organization of work of the Review Conference	26–40	7
IV.	Participation at the Review Conference	41	10
[V.	Recommendations]	42	11
VI.	Adoption of the final report	43	11

Annexes

I. Summary records of the meetings of the third session of the Preparatory Committee

II. List of documents

III. Draft rules of procedure

IV. [Provisional agenda]

V. [Proposed allocation of items to the Main Committees of the Conference]

04-33826 (E) 050504

I. Terms of reference and organization of work

1. At its fifty-sixth session, the General Assembly, in its resolution 56/24 O of 29 November 2001, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), following appropriate consultations, to hold the first meeting of the Preparatory Committee in New York from 8 to 19 April 2002.

2. Accordingly, the Committee held its first session in New York from 8 to 19 April 2002. Following the decision taken at that session, the Committee held its second session at Geneva from 28 April to 9 May 2003 and its third session in New York from 26 April to 7 May 2004. Reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2005/PC.I/21 and Corr.1 and NPT/CONF.2005/PC.II/50.

3. At the first session of the Preparatory Committee, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and other States parties to the Treaty should be proposed for the presidency of the 2005 Review Conference.

4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Henrik Salander (Sweden) to serve as Chairman of the first session. It also decided that László Molnár (Hungary) would be Chairman of the second session. It was further decided that, when not serving as Chairman, the chairmen of the sessions of the Preparatory Committee would serve as Vice-Chairmen of the Committee.

5. At its third session, the Committee elected Sudjadnan Parnohadiningrat (Indonesia) as Chairman of the third session. At the same session, the Committee was informed that the Chairman had been advised by the delegation of Sweden that Elisabet Borsiin Bonnier was to succeed Mr. Salander in the Bureau of the Preparatory Committee as Vice-Chairperson.

6. At the third session, the Committee authorized its Bureau and the President-Elect to handle technical and other organizational matters, as well as to carry out consultations with States parties in the period before the Conference. It also decided that the Chairman of the third session should open the Conference.

7. At its first session, the Committee adopted its agenda as contained in paragraph 8 of document NPT/CONF.2005/PC.I/21 and Corr.1, as follows:

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.

6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 Review Conference, including developments affecting the operation and purpose of the Treaty.

7. Organization of work of the Preparatory Committee:

   (a) Election of officers;

   (b) Dates and venue for further sessions;

   (c) Methods of work:

      (i) Decision-making;

      (ii) Participation;

      (iii) Working languages;

      (iv) Records and documents.

8. Report on the results of the session to the next session of the Preparatory Committee.

9. Organization of the 2005 Review Conference:

   (a) Dates and venue;

   (b) Draft rules of procedure;

   (c) Election of the President and other officers;

   (d) Appointment of the Secretary-General of the Review Conference;

   (e) Provisional agenda;

   (f) Financing of the Review Conference, including its Preparatory Committee;

   (g) Background documentation;

   (h) Final document(s).

10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.

11. Any other matters.

8. Hannelore Hoppe, Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, served as Secretary of the first session of the Preparatory Committee. Silvana Fonseca da Silva, Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, served as Secretary of the second and third sessions of the Preparatory Committee. Tariq Rauf, Head, Verification and Security Policy Coordination, Office of External Relations and Policy Coordination, International Atomic Energy Agency (IAEA) represented the Agency at all sessions.

9. Delegations of the following [151] States parties participated in one or more sessions of the Preparatory Committee:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

10. At the second session, the Chairman made the following statement: "You will recall that the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons mandated the Chairpersons of the sessions of the Preparatory Committee 'to carry out consultations with the States Parties to prepare the ground for the outcome of the sessions as well as their agenda'. Accordingly, I carried out those consultations, which revealed diverging views on the status of the Democratic People's Republic of Korea in the NPT. It is my conviction that a debate on the issue would only serve to the detriment of the purpose of the Preparatory Committee, namely 'to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality'. In the light of the above, the Chair has the intention, under his own responsibility, not to open a debate on this issue and to retain the nameplate of the said country temporarily, in his custody. The Chair has therefore asked the Secretariat to hold the nameplate in the conference room for the duration of the second session of the Preparatory Committee. This is in no way meant to prejudice the outcome of ongoing consultations on the issue". The Committee took note of that statement.

11. At the third session, the Chairman made the following statement: "I would like to refer to some aspects of my consultations prior to this session, which I carried out in accordance with the mandate given to the Chairpersons of the sessions of the Preparatory Committee as contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. My consultations revealed, inter alia, the continuation of divergent views on the status of the Democratic People's Republic of Korea in NPT. The

consultations also revealed that States Parties were ready to uphold, in this regard, the procedure applied by my predecessor, Ambassador László Molnár. Accordingly, it is the intention of the Chair, under his own responsibility, not to open a debate on this issue and to retain the nameplate of the said country temporarily, in his custody. The Chair has therefore asked the Secretariat to hold the nameplate in the conference room for the duration of the third session of the Preparatory Committee. This is in no way meant to prejudice the outcome of ongoing consultations on this issue". The Committee took note of that statement.

12. At its first session, the Committee decided that:

(a) Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled to submit documents to the participants in the Committee. Accordingly, representatives of Cuba attended the first session of the Committee as observers;

(b) Representatives of specialized agencies and international and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled to submit, in writing, their views and comments on questions within their competence, which may be circulated as documents of the Committee. The following international and regional intergovernmental organizations were represented as observers at meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), European Commission, International Committee of the Red Cross, League of Arab States, Organization of African Unity (first session), Organization of the Islamic Conference, Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and Pacific Islands Forum;

(c) Representatives of non-governmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the public gallery, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee shall also allocate a meeting to non-governmental organizations to address each session of the Committee. Representatives of 111 non-governmental organizations attended one or more sessions of the Committee.

13. At its third session, the Committee agreed that non-governmental organizations would be allowed to attend meetings devoted to the consideration of item 6 of the agenda, on a case-by-case basis, and to receive copies of statements made by delegations. The Committee further agreed that the decision on attendance would not constitute a precedent.

14. At its first session, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2000 Review Conference, which would be applied mutatis mutandis.

15. Also at its first session, the Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.

16. In accordance with the Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. The summary records of the first session were issued as documents NPT/CONF.2005/PC.I/SR.1-4, 6, 18 and 19. The summary records of the second session were issued as documents NPT/CONF.2005/PC.II/SR.1-4 and 19. The summary records of the third session (NPT/CONF.2000/PC.III/SR.[__]) are issued separately as annex [__] to the present report.

17. At each session, the Committee set aside meetings for a general debate on issues related to all aspects of its work in the course of which many delegations made statements. All statements are reflected in the summary records of those meetings.

18. Also at each session, the Committee set aside one meeting for presentations by representatives of non-governmental organizations.

II. Substantive work of the Committee

19. The Committee held 30 meetings devoted to substantive discussions under agenda item 6.

20. The discussion at each session of the Preparatory Committee was structured according to indicative timetables, which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

21. At the third session, the Chairman made the following statement: "To resolve the pending issues that we have, particularly on the timetable of this session of the Committee, and with the objective of ensuring that any understanding that is achieved on how the issues relevant to the Treaty are addressed does not prejudice the way in which these issues are to be dealt with at the Review Conference, I intend to organize our work in the few days to come in the following way: the Chair will provide the opportunity for States parties to specifically address the issue of security assurances under the time allocated for cluster 1, and the issue of the 1995 Middle East resolution under the time allocated for regional issues. In reaching this conclusion, the Chair has taken into account the different views that exist on the timetable of work and the limited time available for our deliberations at this particular session of the Committee. Delegations are invited to structure their deliberations on the issues that will be dealt with, within these time allocations in accordance with the proposal that I am making. I strongly hope that such an approach will secure a positive outcome for our work for the completion of the mandates of the Committee. Regarding any other issues on our agenda, the structure of the programme of work of the previous two sessions of the Committee will be applied with some necessary adjustments". The Committee took note of that statement and of the indicative timetable proposed by the Chairman.

22. The Committee considered the following three clusters of issues as contained in annex VIII to the final report of the Preparatory Committee for the 2000 Review Conference (NPT/CONF.2000/1):

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security;

(b) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;

(c) Implementation of the provisions of the Treaty relating to the inalienable right of all States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II.

23. The Committee considered the following three specific blocs of issues:

(a) Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament, as well as the agreements, conclusions and commitments listed under the section entitled "Article VI and eighth to twelfth preambular paragraphs" contained in the Final Document of the 2000 Review Conference;

(b) Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution and the commitments, conclusions and follow-up submissions to the Secretary-General of the United Nations, the President of the 2005 Review Conference and the Chairpersons of the Preparatory Committee meetings, in accordance with the relevant subparagraphs listed under the section entitled "Regional issues: the Middle East, particularly implementation of the 1995 resolution on the Middle East", contained in the Final Document of the 2000 Review Conference;

(c) Safety and security of peaceful nuclear programmes.

24. Guided by the provisions of the Final Document of the 2000 Review Conference, paragraph 7 of the section entitled "Improving the effectiveness of the strengthened review process for the Treaty", the Chairmen of the first and second sessions of the Committee prepared factual summaries of the consideration of the issues of the Committee, which were annexed to the respective reports of the first and second sessions.

25. The Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex [__] to the present report.

III. Organization of work of the Review Conference

26. In the course of its sessions, the Committee considered the following questions relating to the organization and work of the 2005 Review Conference:

(a) Dates and venue;

(b) Draft rules of procedure;

(c) Election of the President and other officers;

(d) Appointment of the Secretary-General;

(e) Provisional agenda;

(f) Financing of the Review Conference, including its Preparatory Committee;

(g) Background documentation;

(h) Final document(s).

Dates and venue of the Conference

27. At its third session, the Committee reaffirmed its agreement, reached at its first session, that the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons would be held in New York from 2 to 27 May 2005.

Draft rules of procedure

28. At its third session, the Committee considered the draft rules of procedure for the Conference and agreed to recommend to the Conference the draft rules of procedure as contained in annex [__] to the present report.

29. Also at its third session, the Committee agreed to recommend to the Conference that, notwithstanding rule 44.3 of the draft rules of procedure recommended to the Conference, specialized agencies and international and regional intergovernmental organizations would be entitled to make oral presentations to the Conference upon the decision of the Conference, on a case-by-case basis.

Election of the President and other officers

30. At its third session, the Committee unanimously endorsed the candidacy of Sérgio de Queiroz Duarte of Brazil for the presidency of the 2005 Review Conference.

31. Also at the third session, the Committee agreed to recommend that Main Committee I should be chaired by a representative of the Group of Non-Aligned and Other States, i.e., the Chairman of the third session of the Preparatory Committee (Indonesia); Main Committee II should be chaired by a representative of the Group of Eastern European States, i.e., the Chairman of the second session of the Preparatory Committee (Hungary); and that Main Committee III should be chaired by a representative of the Western Group, i.e., the Chairman of the first session of the Preparatory Committee (Sweden).

32. The Committee also agreed to recommend that the post of Chairman of the Drafting Committee be assumed by a representative of the Group of Eastern European States, and the post of Chairman of the Credentials Committee by a representative of the Group of Non-Aligned and Other States.

Appointment of the Secretary-General

33. At its first session, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 2005 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, a nomination to be confirmed by the Conference itself. At its third session, the Committee was informed of the decision of the Secretary-General, taken after consultations with the members of the Preparatory Committee, to nominate Silvana Fonseca da Silva, Chief of the Weapons of Mass Destruction Branch, Department for Disarmament Affairs of the United Nations Secretariat, to serve as

provisional Secretary-General of the Conference. The Committee took note of that nomination.

[Provisional agenda]

34. [At its third session, the Committee recommended the provisional agenda as contained in annex [...] to the present report for adoption by the Conference. It also agreed to the proposed allocation of items to the Main Committees of the Conference as contained in annex [...] to the present report.]

Financing of the Review Conference, including its Preparatory Committee

35. At its second session, the Committee took note of the estimated costs of the Conference, including its Preparatory Committee (NPT/CONF.2005/PC.II/1). At its third session, the Committee agreed to the schedule for the division of costs. The schedule for the division of costs is contained in the appendix to the draft rules of procedure as reflected in annex [...] to the present report.

[Background documentation]

36. [At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare papers on various articles of the Treaty, taking into account the decisions on strengthening the review process for the treaty and on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East, adopted in 1995, as well as the outcome of the 2000 Review Conference.

37. Consistent with the approach applied for the preparation of background documentation for the 2000 Review Conference, the following general approach should apply to the proposed papers. All papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on developments in the period since the 2000 Review Conference and on the implementation of the outcome of that conference, as well as the decisions on strengthening the review process for the Treaty and on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. The papers should be made available in advance of the 2005 Review Conference.

38. Specifically, the Secretariat of the United Nations is requested to prepare documents on the following topics to reflect developments related to the implementation of the Treaty and the outcomes of the 1995 NPT Review and Extension Conference and the 2000 Review Conference, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized:

(a) Implementation of the tenth preambular paragraph (comprehensive nuclear-test-ban), reflecting developments since the 2000 Review Conference;

(b) Implementation of articles I and II, drawing on the relevant discussions and results of all prior review conferences and taking into account recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by the International Atomic Energy Agency on article III;

(c) Implementation of article VI, covering developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament;

(d) Implementation of article VII, addressing proposals for the establishment of nuclear-weapon-free zones where they have not yet been established;

(e) Developments regarding security assurances, dealing with both positive and negative security assurances and reflecting developments in the Conference on Disarmament and the United Nations and proposals within the ambit of NPT;

(f) Implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, reflecting developments since 2000 with a view to realizing the objectives of the resolution;

(g) Realization of the goals of the Treaty in various regions of the world.

39. The Preparatory Committee also asks that the following be made available to the 2005 Review Conference, also reflecting developments since the 2000 Review Conference:

(a) Documentation prepared by the IAEA regarding its activities relevant to articles III, IV and V;

(b) A memorandum from the secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean regarding its activities;

(c) A memorandum from the secretariat of the Pacific Island Forum regarding its activities related to the Rarotonga Treaty;

(d) A memorandum from the secretariat of the Organization of African Unity regarding its activities related to the Pelindaba Treaty;

(e) A memorandum from the depositary of the Bangkok Treaty regarding its activities related to the Treaty.]

[Final document(s)]

40.

IV. Participation at the Review Conference

41. The Committee also decided that invitations to States which, in accordance with the decision on participation, were entitled to participate in the Conference, as well as invitations to the Secretary-General of the United Nations and the Director-General of the International Atomic Energy Agency, should be issued by the Chairman of the third session of the Preparatory Committee.

[V. Recommendations]

42. [In accordance with the 1995 decision on strengthening the review process for the Treaty and the Final Document of the 2000 Review Conference, and taking into account the deliberations and results of its previous sessions, the Committee agreed at its third session to recommend to the 2005 Review Conference to consider the establishment of subsidiary bodies to take up issues of the Main Committees of the Conference.]

VI. Adoption of the final report

43. [The Preparatory Committee adopted its final report at its last meeting, on 7 May 2004.]